



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Engel, Inc.  
File: B-228544  
Date: January 7, 1988

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### DIGEST

Where specifications associated with request for quotations, are in excess of contracting agency's minimum needs, protestor is not entitled to delivery order under its Federal Supply Schedule contract and an agency may reprocur through an open market procurement with reduced requirements.

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### DECISION

Engel, Inc. has protested the issuance of Order No. DAKF31-87-F-9456 to Calzone Case Co. by the Department of the Army under request for quotations for military team cases issued to contractors with a non-mandatory, multiple award General Service Administration's Federal Supply Schedule.

Engel protests the award on the grounds that Calzone's equipment failed to meet the Army's specifications and that Engel was the only responsive quoter.

Following Engel's protest, the Army concluded that the item offered by Calzone was not on its FSS contract and canceled the delivery order and proposes to reprocur based on an open procurement. In response to the Army's corrective action, Engel maintains that it should receive the award as the next lowest quoter.

However, the Army, in response to Engel, has concluded that the original specifications overstated the agency's minimum needs and that those needs will be better served through an open procurement with reduced requirements.

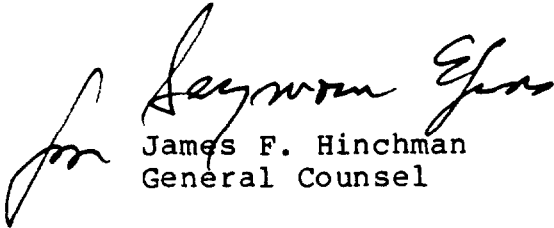
A contracting agency is in the best position to know its needs, the provisions with which it may satisfy those needs and the conditions under which those needs must be met. A.B. Dick Co., B-220144, Nov. 26, 1985, 85-2 C.P.D. ¶ 606. A contractor is not entitled to a delivery order under its FSS contract, where the specifications associated with a

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request for quotations are in excess of the contracting agency's minimum needs. Progressive Marketing Associates, Inc., B-214008, July 26, 1984, 84-2 C.P.D. ¶ 115. Absent a clear showing either that the contracting agency has no reasonable justification for its determination of its minimum needs or that it has acted in bad faith, our Office will not supplant its judgment for that of the agency. Systematics, Inc., B-222559, July 24, 1986, 86-2 C.P.D. ¶ 105.

Here, the Army has concluded that it's minimum needs can be met through reduced requirements from those listed in the FSS contracts. We have no basis to conclude that this decision is unreasonable or was arrived at in bad faith.

The protest is denied.

  
James F. Hinchman  
General Counsel